



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2004-77

November 30, 2004

Everett & Madelyn Yelton Trust
Everett Yelton 3rd Trust
Box 244
Londonderry, VT 05148-0244

RE: DES Wetlands File #2003-00378, 46 Bunker Rd, New London

Dear Mr. and Ms. Yelton

On November 10, 2004, personnel from the New Hampshire Department of Environmental Services conducted a field inspection on property you own in New London, NH, identified as Town of New London Tax Map 76, Lot 20 (the "Property"). The purpose of the inspection was to determine whether the Property is in compliance with RSA 482-A, RSA 482-B, Rules Env-Ws 1400, the NH Code of Administration and Rules Wt 100-800 and the Wetlands and Non-Site Specific Permit #2003-378 (the "Permit").

During the inspection revealed that work on the Property was not conducted in accordance with the Permit's Specific Conditions 4 and 8. The work is also in violation of Wetland NH Code of Administrative Rules Wt 304.06 (a), (b), (d), and the Comprehensive Shoreland Protection Act RSA 483-B:9, V, c, (1), and (2). The following deficiencies were documented:

1. **Siltation and erosion controls have not been installed and maintained as required.**
2. **Pre-existing non-conforming structure has been removed from frontage.**

In response, you are requested to take the following actions:

1. **Install appropriate siltation and erosion controls and submit photographic documentation of completion within one week from receipt of this letter.**
2. **Please submit plans of any new structure, if it is to be constructed with any portion between the primary building line and reference line.**

Please note that any replaced non-conforming structures that are constructed within the primary building line and reference line require a Waiver from the NH Department of Environmental Services Wetlands Bureau.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards

for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Darlene Forst, Shoreline Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY

Darlene Forst
Shoreline Program Supervisor
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0001 2491 8338

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
New London Conservation Commission
New London Board of Selectmen
USACOE